



REMARKS

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Reconsideration of this application in light of the above amendments is courteously solicited.

Claim 1 has been amended so as to distinguish over the newly cited prior art reference, U.S. patent 5,921,440, taken in combination U.S. patent 5,788,794. Independent claim 1 as amended clearly sets forth that the sheet partition defines with the nozzle a pair of unobstructed nozzle passages. It is believed that this limitation clearly defines over the '440 patent. As can best be seen in Figure 7 of the '440 patent, the partition wall 23 abuts a plastic disk 44 which finally leads to the nozzle 54 of the dispenser. The portion 40 does not define the nozzle outlet of the container. Rather, the container has a separate nozzle tap 50 which is secured to the container. Accordingly, the divider wall cannot be said to either start from the closure and passes through the interior of the body portion, the head and the nozzle wherein the partition defines with the nozzle a pair of unobstructed nozzle passages. In light of the foregoing, it is respectfully submitted that claim 1 patentably defines over the '440 patent whether taken alone or in combination.

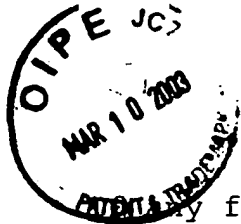
With respect to independent claim 9, claim 9 has been amended in like manner as independent claim 1 and it is

respectfully submitted claim 9 is patentable over the prior art for the same reasons set forth above.

In light of the foregoing, it is submitted that the instant application is now in condition for allowance and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.



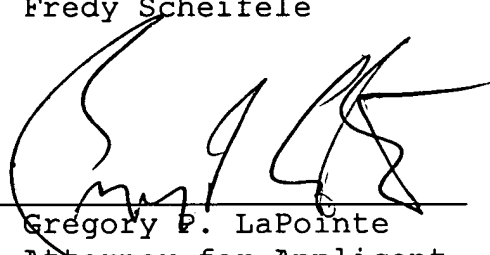
fees are required in connection with this case,  
it is respectfully requested that they be charged to  
Deposit Account No. 02-0184.

Respectfully submitted,

Fredy Scheifele

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as first  
class mail in an envelope addressed to: Commissioner  
of Patents and Trademarks, Washington, D.C. 20231  
on March 3, 2003  
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Rachel Piscitelli  
Name and Reg. No. of Attorney  
Rachel Piscitelli  
Signature  
March 3, 2003  
Date of Signature

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Version with markings to show changes made to the claim



1. (Amended) A multi-chamber tube for packaging and component-wise dispensing of packaged substances, including a deformable tube body portion of plastic sheet having first and second ends,

a tube head at the first end of the body portion and having a closable nozzle,

a closure at the second end of the body portion and closing the opening of the tube thereat, and

at least one partition of material in sheet form and which starting from the closure passes through the interior of the body portion, the head and the nozzle, the sheet of the partition being of greater stiffness than that of the body portion, wherein the sheet partition defines with the nozzle a pair of unobstructed nozzle passages.

9. (Amended) A multi-chamber tube for packaging and dispensing a plurality of substances including

a tube body portion of deformable plastic sheet and having first and second ends,

a tube head at the first end and having a nozzle,

a closure crimp at the second end and closing the opening of the tube thereat, and

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at least one partition of material in sheet form and which starting from the closure crimp extends through the interior of the tube body portion, the head and the nozzle by means of partition parts which are dimensionally adapted to the tube body portion, the head and the nozzle, wherein the sheet of the partition is of greater stiffness than that of the tube body portion, wherein the sheet partition defines with the nozzle a pair of unobstructed nozzle passages.